



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Regeneration Bill:
Formal Clause-by-clause Consideration

21 May 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Mickey Brady (Deputy Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Stewart Dickson
Mr Sammy Douglas
Mrs Dolores Kelly
Mr Fra McCann
Mr Sammy Wilson

Witnesses:

Ms Patricia Casey	NIA Bill Office
Mr Henry McArdle	Department for Social Development
Mr Antony McDaid	Department for Social Development
Mr Ian Snowden	Department for Social Development

The Chairperson (Mr Maskey): The departmental officials are here in the Public Gallery and will support the Committee in any way they can, if we feel the need for it. Obviously, we will begin with clause 1 and put the Question to the Committee as to whether it is content with each clause and schedule as drafted by the Department. I remind members that we will have finished the clause-by-clause scrutiny when we have dealt with the Question on the long title as drafted.

I remind members that we may have concerns or observations about clauses, but there does not necessarily need to be an amendment. For the purposes of producing our final report, members can still put those concerns, recommendations or queries on the table, for the Department or Minister to deal with at a later stage. We did that with respect to monitoring, for example, and that was adopted by the Minister. While we go through the clause-by-clause scrutiny, if you have an issue but do not necessarily want to propose an amendment, we can put down a recommendation or observation for inclusion in the report.

The amendments that we have before us are in two categories: the first relates to economic regeneration versus social need, and the second to restrictions on a council assisting projects associated with someone who has a criminal conviction. That is à la SpAd Bill, I suppose. Today, I want to deal first with the amendments relating to economic regeneration/social need. Are members happy enough with that?

Members indicated assent.

The Chairperson (Mr Maskey): There are four such proposed amendments on economic regeneration. We are advised by the Bill Office and Clerk that they are mutually exclusive so, if any of the amendments is made as we go through, the others will not be considered. We need to note that there may well be some consequential amendments flowing from the recently submitted amendments. Should the Committee agree an amendment and it is subsequently supported, the Department will then propose any consequential amendments at Further Consideration Stage. I want to take the amendments in the following order.

If members are content, we will move straight into the business of this.

Clause 1 (Financial assistance to address social need)

The Chairperson (Mr Maskey): Amendment No 1 states:

"A council may provide financial assistance to any person doing or intending to do, anything which the council considers will promote economic and/or social regeneration in an area in its district."

The amendment was proposed by Sammy Wilson and Jim Allister. Sammy, are you content to move it?

Mr Wilson: Yes.

The Chairperson (Mr Maskey): Just so that people understand, that would remove the requirement on councils to address social need and replace it with a provision around economic or social regeneration activities. The amendment would remove subsection (2)(f), which was in the previous amendment and which addressed social need. I will move on, if members are content.

Mr Brady: Who would then be responsible for addressing social need? Would that remain with the Department?

The Chairperson (Mr Maskey): It is the Department — unless Ian or his colleagues want to contradict what I am saying. I think that Ian made the point on behalf of the Minister that, if social need was taken out of the requirement of the Bill, the Minister would not transfer the powers to local government; he would have to retain the power in the Department. That is what I understood. Ian, do you want to come forward?

Mr Ian Snowden (Department for Social Development): The point that I made last Thursday was that, if the power that we currently have under the Social Need (Northern Ireland) Order 1986, or an equivalent provision that allows you to do the same thing, does not transfer, we will be unable to transfer the full range of the things that DSD currently delivers. If there were no reference to social need or an equivalent kind of provision in the Bill, programmes such as the community investment fund, and the kinds of activities supported under it, could not be transferred to local government.

Mr Wilson: Ian, surely many of those would fall under the category of social regeneration. As was talked about on previous occasions, the social regeneration aspect is fairly widely defined anyhow, so many of those things would be covered. It is not a case of either/or. We had a long talk about this, and I do not want to go through the debates that we have had previously, but what we meant by economic regeneration was fairly clear. Dolores raised a couple of issues the other day, such as, "What about where you were going to talk about childcare facilities?" and "What about where you were talking about training facilities based within a community-type environment?". Some people would argue that that meets a social need in an area, but it also meets an economic need because it frees people up to get out to work and makes people more available for work. It crosses over the two. It is not really right to say that a lot of what would be done under the community investment fund, for example, could not be carried out by the councils.

Mr Snowden: I am thinking of particular things that we fund, like community networks or women's organisations, that have no obvious economic regeneration impact. The Minister's compromise amendment was intended to allow the full range of the Department's activities to come across, so the reference to "social regeneration" is, in our view, an equivalent provision to the reference to "social need". That is why it was proposed.

Mr Wilson: We are saying "and/or social regeneration" activities. You mentioned women's network groups and whatnot. You could argue that there is a connection between economic and social regeneration. We are now stating that councils may provide funding for:

"the promotion, development or regeneration of commercial, industrial or other economic or social regeneration activities".

I think it is covered there. It also avoids that catch-all phrase at the end, which we were concerned was open to abuse.

Mr Henry McArdle (Department for Social Development): The wording of the suggested amendment does not actually read right. The general power provides for "economic and/or social regeneration", so that is already covered. We go on then to repeat that in subsection (2)(a), and we are talking about:

"the promotion, development or regeneration of ... social regeneration activities".

It does not read right.

Mr Wilson: It reads no worse than the original wording, because you had anything that the council considers will promote economic regeneration in an area of its district. Subsection (2)(a) was:

"the promotion, development or regeneration of commercial, industrial or other economic activity".

We have just added in social activities here.

Mr McArdle: Our advice is that it does not actually read right in legal terms. If you wanted to do that, it would probably be better to separate (a) and (b) and have (a) as it originally was:

"the promotion, development or regeneration of commercial, industrial or other economic activity"

and, secondly, the promotion of social regeneration activity. That would be the same thing, but put in a better way.

However, there is a point here of whether the Department has a particular focus on tackling social need and tackling areas of deprivation, which was done under the social need provisions. That is the issue there, and whether it can continue to be done under this heading. It probably can; it can probably still come in under the heading of social regeneration activity.

Mr Brady: When the Bill was drafted, it stated very clearly:

"Powers in relation to social need ... Powers of council to address social need".

It does not talk about social regeneration, although that is in integral part of it, I presume. It deals specifically with social need. Presumably when the Department was drafting the Bill, that was at the centre of the Bill. How can you remove the central plank of the Bill and change all that and just ignore social need? Social regeneration and social need are two different issues. They can be complementary, but they are also different.

Mr McArdle: Social need can come under the umbrella of social regeneration.

Mr Brady: I accept that, but there are two different issues in that sense.

Mr McArdle: The legislation is to allow the powers to go to the councils to allow them to do the types of things that the Department has been doing in the past. One of those was tackling areas of deprivation, and that was done through the neighbourhood renewal programme under the social need powers. That type of work could continue, with the powers in the Bill described in a different way. That is our view. It is just a different emphasis.

Mr Douglas: First of all, I declare an interest as a board member of East Belfast Community Development Agency, and I have been involved with that organisation for over 25 years. In relation to

where we are at the moment, how would these changes impact on an organisation like that, which supports dozens and dozens of community and voluntary groups right across east Belfast?

Mr McArdle: In April 2016, the powers to do the programmes that we do at the minute will transfer over to the councils. The councils will then determine how they operate the schemes that they want to take forward, and they will be in a position to determine what can be done in their area, and they will then decide what groups to support, what programmes to support and what their priorities are. Ian may want to say more on that.

Mr Douglas: I am a recent addition to the Committee, but I have been following some of the stuff and have spoken to some community and voluntary organisations. What is the Minister's view on this?

Mr Snowden: The Minister's view is that he wants to ensure that the full range of activities that the Executive wanted to transfer can be successfully transferred to local government and that the provisions in the Bill will ensure that they are able to continue to do those. He believes that his suggested amendment would allow that to take place.

Mr Wilson: We have had this out on the table on numerous occasions. The difficulty with the social need provision in this was that it was abused and was open to abuse. In some areas, for example, organisations which were clearly set up to support paramilitary groups, ex-paramilitary groups, etc were funded because people said there was a social need to do that. The Department was happy that social need included all of those kinds of activities. Many people saw that as an abuse of the power. The reason why we want it to be limited to social regeneration is to prevent that kind of abuse. To a certain extent, the way in which the law was applied in the past brought about this situation, Ian. To me, this is a reasonable tightening up of the powers that will be available to councils, and it will avoid some of the abuse and the misuse of public funds that cause so much public anger. Henry, I think you are saying that many of the regeneration aspects, be they the softer social aspects or the harder economic aspects, will possibly still be continued with this amendment. At the same time, it clears up some of the concerns that people have about the way in which they were abused. Jim Allister gave a list of examples of how it had been abused in the past.

Mr Brady: I am not aware that Jim Allister gave a list of specific examples.

Mr Wilson: He did.

Mr Brady: Over the past number of weeks, you have trotted out comments about all of these abuses. You have not given any specific examples. I have sat on the Committee; I have not heard him give any specific examples. He has given his general opinion.

The Chairperson (Mr Maskey): For the record, he has given some.

Mr Brady: In his opinion. It is a subjective view of what so-called abuse of this system is. It is not an objective view, by any stretch of the imagination.

Mr Beggs: I declare an interest as a committee member of Horizon Sure Start, which operates in an area of need and deprivation. I am trying to get a clearer understanding of why there is an objection, as long as there is a method of enabling social regeneration. Why does that definition not satisfy you? You will not socially regenerate an area that is not in need. You will socially regenerate an area that is in need. What is wrong with that definition? What is your explanation for why you do not think it is wide enough?

Mr McArdle: The Minister put forward an amendment which includes the wording "social regeneration".

Mr Beggs: But it also includes "social need", which allows it to go much, much wider than simply addressing the collective needs of the community in terms of enabling social regeneration.

Mr Snowden: As I responded to Mr Douglas, the Minister wants to be certain that the provisions in the Bill will allow the full range of things that the Department currently does and which are covered by the Executive's decision to be transferred. He wishes to ensure that there is no uncertainty or ambiguity about that. However, he will take the Committee's report on board and consider it in detail after it has

come through. If alternative amendments are proposed, he will give them proper consideration and think on it carefully.

Mr Beggs: I think that it is important that the community works cohesively together as a united community to regenerate, and not have multiple funding in certain areas.

The Chairperson (Mr Maskey): We are dealing with this particular amendment. Fra, did you want to make a point?

Mr F McCann: It goes back to what Mickey said. The Bill mentions the thrust of having social need. One of the arguments and debates that there have been for a while here is on the concern that, unless you have something like that in, councils could ignore dealing with social need. Going back to what Sammy is saying, if people are abusing the system, it needs to be dealt with. The Department could have dealt with it, and councils could deal with it. If there is one bad apple in the barrel, you do not bring in something to deal with the bad apple and affect the other 99%. There are thousands of groups doing good work day and daily in trying to deal with social need. It is part and parcel of the Bill and has been from the start, and Sammy and Jim Allister have come in and tried to remove it.

The Chairperson (Mr Maskey): From my point of view, the Bill is about transferring powers to enable councils to address social need, and the Minister has made it clear that that is what he wants to deliver. We are dealing with an amendment here that deals with deleting the requirement to address social need and replacing it with a generic non-defined description of social regeneration, for which there is no basis or substance in law, as opposed to what social need does have. On that basis, it will not have my vote. Anyway, there is no consensus around the table, so we will put this particular amendment to the meeting. It is the first amendment tabled by Sammy Wilson and originally by Jim Allister.

Mr Dickson: May I just check, on the basis of the comment that Sammy as the proposer is willing to accept that —

Mr Wilson: Separating the two out? Yes.

Mr Dickson: Separating the two out.

The Chairperson (Mr Maskey): That is a different amendment. We are moving on an amendment here that was tabled. We are putting it to the meeting.

Mr Wilson: We can tidy it up later on. I think that what we were saying was that it does not make grammatical sense, but that can be tidied up.

The Chairperson (Mr Maskey): If we are voting on an amendment we have to know what we are voting on, with respect.

Mr Wilson: OK, let us keep it this way. If it has to be tidied up grammatically, it can be tidied up at Consideration Stage.

Question put.

The Committee divided: Ayes 6; Noes 4.

AYES

Mr Beggs, Ms P Bradley, Mr Campbell, Mr Dickson, Mr Douglas, Mr Wilson.

NOES

Mr Brady, Mrs D Kelly, Mr F McCann, Mr Maskey.

Question accordingly agreed to.

The Chairperson (Mr Maskey): On that basis, all the remaining three amendments fall because they are mutually exclusive. We do not need to call any of the other amendments in relation to this.

We will now move to the fifth amendment. I presume that members have it in front of them. I assume that there will be a division on this amendment. It is in relation to the naming of individual developments in the context of the SpAd Bill.

Mr Brady: I have never been a councillor, but it seems to me that the member who proposed this does not have a lot of faith in councils to make decisions off their own bat. This would restrict councils from doing all sorts of things. Everyone around the table except me has been a councillor, and it seems to me that you do not have a lot of faith in your fellow councillors.

Mr Wilson: No, we do not, and we have a good example in Newry and Armagh.

Mr Campbell: It restricts naming, not doing.

Mr Brady: It is a moot point.

The Chairperson (Mr Maskey): For the record, the amendment was originally proposed by Jim Allister, but he is not here this morning. Will someone else formally move the amendment? Is it Sammy Wilson and Gregory Campbell? OK.

Question put.

The Committee divided: Ayes 6; Noes 4.

AYES

Mr Beggs, Ms P Bradley, Mr Campbell, Mr Dickson, Mr Douglas, Mr Wilson.

NOES

Mr Brady, Mrs D Kelly, Mr F McCann, Mr Maskey.

Question accordingly agreed to.

The Chairperson (Mr Maskey): I want to formally ask whether the Committee is content with clause 1, subject to the agreed amendment. Just make sure we vote again, because these are important items. Given that an amendment has been accepted by the Committee, I want to ask if the Committee is content with clause 1, subject to the agreed amendment. Sorry, I am advised that we need to take a vote on this. Pay attention, please.

Question put, That the Committee is content with the clause, subject to the proposed amendment.

The Committee divided: Ayes 5; Noes 4.

AYES

Mr Beggs, Ms P Bradley, Mr Campbell, Mr Dickson, Mr Wilson.

NOES

Mr Brady, Mrs D Kelly, Mr F McCann, Mr Maskey.

Question accordingly agreed to.

Question, That the Committee is content with clause 2, put and agreed to.

Question, That the Committee is content with clause 3, put and agreed to.

Mr McArdle: There would be a consequential to that one, as a result of the —

The Chairperson (Mr Maskey): That is what I thought. We have already had that in the notes.

Mr Beggs: Where is the amendment?

The Chairperson (Mr Maskey): Henry, I am advised that we were working on the basis that there would be consequential, but there is a different amendment.

Mr McArdle: So there is a different consequential.

The Chairperson (Mr Maskey): We have been advised that the Department will consider any consequential. That will be done by the Minister.

Clause 4 (Power of Department to provide financial assistance)

The Chairperson (Mr Maskey): Moving on to clause 4, are members content?

Mr Antony McDaid (Department for Social Development): That is our legislation.

Mr Wilson: That has consequences from clause 1 as well. Again, the Department will deal with that; is that the way? Do we agree it, and then the Department deals with the consequences?

Mr McDaid: Clause 4 amends our existing legislation on social need. Are we suggesting that the amendment is only to our Regeneration Bill and that we are not amending the Social Need (Northern Ireland) Order 1986? This clause is just amending the 1986 Order, so there will not be a consequential.

Question, That the Committee is content with the clause, put and agreed to.

Question, That the Committee is content with clause 5, put and agreed to.

Clause 6 (Adoption of development schemes by councils)

The Chairperson (Mr Maskey): The Minister has agreed to amend clause 6 as per the Committee's original request. The amendment would read:

"After 'publish', insert 'on its website and'"

If you remember, we talked about this. It is about disseminating information.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Question, That the Committee is content with clause 7, put and agreed to.

Question, That the Committee is content with clause 8, put and agreed to.

Question, That the Committee is content with clause 9, put and agreed to.

Question, That the Committee is content with clause 10, put and agreed to.

Clause 11 (Extinguishment by council of right of way over land held for planning purposes)

The Chairperson (Mr Maskey): The Minister agreed to amend clause 11 as per the Committee's request. This is in two parts. The first proposed amendment is to page 7, line 37:

"After 'publish', insert 'on its website and'"

Is the Committee content with that amendment proposed by the Department?

Question put and agreed to.

The Chairperson (Mr Maskey): The second proposed amendment to clause 11 is on page 8, line 3:

"leave out 'so published' and insert 'first published'"

Is the Committee content with that amendment proposed by the Department?

Question put and agreed to.

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

Question, That the Committee is content with clause 12, put and agreed to.

Question, That the Committee is content with clause 13, put and agreed to.

Question, That the Committee is content with clause 14, put and agreed to.

Question, That the Committee is content with clause 15, put and agreed to.

Question, That the Committee is content with clause 16, put and agreed to.

Question, That the Committee is content with clause 17, put and agreed to.

Question, That the Committee is content with clause 18, put and agreed to.

Question, That the Committee is content with clause 19, put and agreed to.

Question, That the Committee is content with clause 20, put and agreed to.

Question, That the Committee is content with clause 21, put and agreed to.

Question, That the Committee is content with clause 22, put and agreed to.

Question, That the Committee is content with clause 23, put and agreed to.

Question, That the Committee is content with schedule 1, put and agreed to.

Question, That the Committee is content with schedule 2, put and agreed to.

Question, That the Committee is content with schedule 3, put and agreed to.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Mr Maskey): This concludes the Committee's clause-by-clause consideration of the Bill. Do people want to seek other assurances or make recommendations before we complete this section? No? On the basis that we have no further observations or recommendations to make, I advise the Committee that we will be asked to agree our final report next Thursday, 28 May, the last day of the Bill's Committee Stage. Committee officials will circulate a draft report by 5.00 pm this Friday for members' consideration. Members must respond by noon on Tuesday 26 May with any comments that they want included. That will allow for the final report to be agreed on Thursday 28 May. I again just remind you that the final report must be agreed on or before Thursday 28 May. That is the final deadline. OK members, thank you for that. Thank you, Ian, Henry and Antony, for your support here this morning.